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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,655	12/10/2001	Marvin R. Hamrick	BS99-092-CON	2330
39262	7590	05/26/2005	EXAMINER	
BELL'SOUTH CORPORATION			TO, TUAN C	
P.O. BOX 2903			ART UNIT	
MINNEAPOLIS, MN 55402-0903			PAPER NUMBER	
			3663	

DATE MAILED: 05/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/006,655

Applicant(s)

HAMRICK ET AL

Examiner

Tuan C To

Art Unit

3663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09/24/04, 02/22/2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 38,40-42,52-58,60-76 and 81-91 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 40-42,52-54,56-58,60-76 and 81-91 is/are allowed.
- 6) ☒ Claim(s) 38 and 55 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>05/13/04, 09/24/04</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Specification***

The disclosure is objected to because of the following informalities: the amendment to specification filed on 09/24/2004, specially to the "Cross Reference to Related Application", includes the information that is not consistent with PTO records.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 38 and 55 are rejected under 35 U.S.C. 102(a) as being anticipated by Westerlage et al. (US 5987377A).

With respect to claim 38, the reference to Westerlage et al. has been cited as teaching a system/method for determining expected time of arrival of a vehicle, comprising the mobile unit (42) receives the expected time of arrival from the dispatch (20), the mobile unit (42) compares the this time to a corresponding appointment time specified in the destination information. If the arrival time is expected to be later the appointment time, the mobile unit informs the dispatch (20) that the vehicle (40) will be

late (Westerlage et al, column 7, lines 1-23). Thus, the teachings of Westerlage et al. read on the limitations: "receiving data corresponding to a parameter of the vehicle; determining whether the data corresponding to the parameter is outside a range of acceptable values, if the data corresponding to the parameter is outside a range of acceptable values, noting an exception". Westerlage et al. further discloses a display device (60), as shown in figure 4, and that display shows a number of times the vehicle is at different location which are in proximity to the dispatch (20). Thus, Westerlage et al. teach: « wherein the parameter comprises a number of times the vehicle is within a predetermined proximity to a service center ».

With respect to claim 55, Westerlage patent discloses that the mobile unit (42) comprises a mobile positioning receiver (80) for receiving the vehicle location information from the GPS system (45) (Westerlage et al, figures 3 and 5). The processor (100) is in communication with the receiver (80) by the controller (86). The processor (100) generates the expected time or arrival of the vehicle (40) and also late information based on the vehicle position or the information input by the vehicle operator. As represented above, If the arrival time is expected to be later the appointment time, the mobile unit informs the dispatch (20) that the vehicle (40) will be late (Westerlage et al, column 7, lines 1-23).

#### ***Allowable Subject Matter***

Claims 40-42, 52-54, 56, 57, 58, 60-76, and 81-91 are allowable due to none of the cited prior art fairly suggests the limitations of those claims.

### ***Response to Amendment***

The applicant's amendment filed on 02/22/2005 fails to place the application in a condition of allowance because after reconsidering the application with special attention, the examiner realizes the reference to Westerlage et al. (US '377A) still read on the limitations of claims 38, and 55. Therefore, the status of allowability of claims 38 and 55, as indicated in the previous office action that "if rewritten in independent form including all of the limitations of the base claim and any intervening claims, has been withdrawn.

### ***Conclusions***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan C To whose telephone number is (571) 272-6985. The examiner can normally be reached on from 8:00AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (571) 272-6956.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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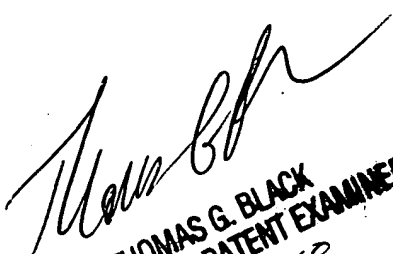
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you have questions on access to the Private PAIR system, contact the Electronic  
Business Center (EBC) at 866-217-9197 (toll-free).

/tc

May 13, 2005

  
THOMAS G. BLACK  
SUPERVISORY PATENT EXAMINER  
GROUP 360